

## **Megan's Law Doesn't Work. Now What?**

**By Michael Buncher, Esq.**

For the past 15 years the public has been left with a false sense of security. A federally funded study has determined that Megan's Law does not work.

Conducted by independent psychologists along with staff from the state Department of Corrections' Office of Policy and Planning, this comprehensive study looked at 21 years of sex offense rates. It confirms in New Jersey what other studies have found elsewhere. Megan's Law "has no demonstrable effect in reducing sexual re-offenses."

Megan's Law struck out on every important area related to protecting the community from sexual offenders. Not only is there no evidence that it reduces sexual re-offenses, Megan's Law:

- Fails to positively impact sex offender re-arrest rates,
- Fails to change the type of re-offenses or first time offenses that occur, or
- Fails to reduce the number of victims involved in sexual offenses.

As the state agency charged with representing those required to register under Megan's Law, the Public Defender agrees completely with the study's findings and with its ultimate conclusion that "given the lack of demonstrable effect of Megan's Law on sexual offenses, the growing costs may not be justifiable."

What is equally remarkable is that other research cited by the New Jersey study, as well as our own experience, shows that Megan's Law can be "counterproductive." Notification laws have been found to isolate offenders from normal relationships, undercut their opportunities for housing and employment, and subject offenders to threats and assaults.

In some instances, the willingness to obtain treatment can be negatively impacted. As a result of these factors, the study's researchers determined the unintended consequences of Megan's Law may be to increase the risks of recidivism rather than protecting the community.

In the face of overwhelming evidence of the law's ineffectiveness, its advocates now seek to justify its continued use by claiming, as a Star-Ledger editorial put it, that "it was never realistic to think Megan's Law would prevent sexual assaults against children." In fact, the Legislature's stated purpose in enacting Megan's Law was specifically designed to protect the public from the reoccurrence of such crimes.

The Megan's Law statute states that its purpose is to address the "the danger of recidivism posed by sex offenders." It emphasizes that the danger of re-offense required a system to "permit law enforcement officials to identify and alert the public when *necessary for public safety*." We were told that the law would provide law enforcement

with “additional information critical to *preventing* . . . incidents involving sexual abuse and missing persons.”

The New Jersey Supreme Court relied on these contentions when it upheld Megan’s Law as constitutional based on the belief that it was “reasonably designed” to allow society “to protect itself from convicted sex offenders.”

In other words, the perceived effectiveness of the law served as a cornerstone to its passage. The recent study’s findings require a change in course.

In 2007, New Jersey reportedly spent \$3.9 million with, as the study found, no appreciable benefit to public safety. This money could have been, and now should be, put to much better use to protect New Jersey’s children.

We agree with several of the report’s recommendations calling for sex offender therapy to be provided in state prisons (which does not occur now), treatment for sex offenders living in the community, and effective parole and probationary supervision commensurate with a realistic assessment of an offender’s risk level.

Other interventions known to be effective should be emphasized. We know that making a successful transition from prison reduces sex offender re-offense rates. Resources should be used to assist offenders during their pivotal transition back into the community to find non-transient, long-term housing, employment and services to ensure stability. Other factors that actually reduce re-offense levels should be studied and implemented to ensure public safety. This pragmatic approach is crucial to protecting our communities.

The evidence demonstrates that Megan’s Law creates a false sense of security and, in many cases, is counterproductive. While the debate over the value of Megan’s Law will undoubtedly continue, we must begin implementing proven strategies that actually contribute to increased public safety and sound public policy.

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This article appeared in The Star-Ledger on Feb. 27, 2009